REMARKS

Claims 1-5, 8-13, 16, 22 and 23 are pending in the application.

Claims 1-5, 8-13, 16, 22 and 23 have been rejected.

Claim 24 and 25 have been added.

Claims 1, 9, and 23 have been amended.

Unless otherwise specified in the below discussion, Applicants have amended the above-referenced claims in order to provide clarity or to correct informalities in the claims. Applicants further submit that, unless discussed below, these amendments are not intended to narrow the scope of the claims. By these amendments, Applicants do not concede that the cited art is prior to any invention now or previously claimed. Applicants further reserve the right to pursue the original versions of the claims in the future, for example, in a continuing application.

Rejection of Claims Under 35 U.S.C. §112

The Office Action rejects independent Claims 1 and 23 on the basis that claim element "significant delay" purportedly is a relative term and renders the claim indefinite. Applicants respectfully traverse these rejections.

"The fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S.C. 112, second paragraph." MPEP 2173.05(b). "Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed, in light of the specification." *See* MPEP 2173.05(b).

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Applicants respectfully submit that one of ordinary skill in the art would understand the claim elements "significant delay" in light of the specification. The original application defines the claim elements "significant delay" at least in paragraph [0018].

> Realtime information refers to the information that can be quickly retrieved or generated so that the presentation system can include the information on the display page without significant delay in presenting the display page to a user. Non-realtime information, in contrast, refers to information that cannot be quickly retrieved or generated so that the presentation system would need to significantly delay presenting the display page to a user. One skilled in the art will appreciate that what is realtime information and what is not realtime information can vary depending upon the acceptable level of delay in presenting a display page. For example, in some contexts, a one-second delay may be unacceptable, while in other contexts a five-second delay may be acceptable.

Application, ¶ [0018]. Applicants respectfully submit that this language in the originally-filed Application provides sufficient meaning to the objected-to terminology. One of ordinary skill, when applying proper computing principles, would discern that a significant delay comprises a delay greater than an acceptable level of delay. One of ordinary skill in the art will appreciate that what comprises an acceptable level of delay varies according to computing applications.

The Office Action also rejects Claim 9 on the basis that claim elements "the location" purportedly have no antecedent basis. Applicants respectfully submit that Claims 1, 9, and 23 have been amended to provide proper antecedent basis.

For at least these reasons, Applicants respectfully submit that independent Claims 1, 9, and 23 are allowable over 35 U.S.C. 112, second paragraph. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

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Rejection of Claims Under 35 U.S.C. §103

Claims 1-5, 8-13, 16 and 22-23 stand rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over U.S. Patent No. 7,168,045 issued to Fliess et al. ("Fliess"), U.S. Patent Publication No. 2004/0104947 naming Schmitt as inventor ("Schmitt"), and U.S. Patent Publication No. 2004/0128618 naming Datta as inventor ("Datta"). Applicants respectfully traverse these rejections.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. _See_ 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. _See_ MPEP 2143; MPEP 2143.03; _In re Rouffet_, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Independent Claim 1 is representative of independent Claims 9 and 23, and recites:

> 1. A method in a computer system for generating a display page, the method comprising:
>> receiving a request to generate a display page, wherein
>>> the display page comprises realtime information and non-realtime information,
>>> realtime information comprises information capable of being retrieved or generated without significant delay, and
>>> non-realtime information comprises information for which retrieval or generation will result in significant delay;
>> retrieving the realtime information to be included on the requested display page;
>> if a previously cached version of the non-realtime information is available,
>>> generating the requested display page comprising the retrieved realtime information and the previously cached non-realtime information; and
>> if a previously cached version of the non-realtime information is not available,
>>> generating the requested display page comprising the retrieved realtime information and an indication that the non-realtime information is

> not yet ready for display, wherein the indication that the non-
> realtime information is not yet ready for display is provided in a
> location in which the non-realtime information is to be displayed,
> requesting generation of the non-realtime information,
> caching the generated non-realtime information, and
> generating the requested display page comprising the retrieved realtime
> information and the cached non-realtime information in response
> to a subsequent request for the requested display page.

The Office Action relies on Fliess, Schmitt, and Data, in combination, to purportedly show all the claim limitations of Claim 1. However, Applicants respectfully submit that Fliess, Schmitt, and Data, alone or in combination, fail to teach or suggest "realtime information," "non-realtime information," "a previously cached version of the non-realtime information," "caching the generated non-realtime information," and "an indication that the non-realtime information is not yet ready for display, wherein the indication that the non-realtime information is not yet ready for display is provided in the location in which the non-realtime information is to be displayed."

The Office Action cites to Fliess as purportedly disclosing Claim 1's "realtime information" and "non-realtime information." *See* Office Action, p. 3. Applicants respectfully submit that Fliess fails to teach a distinction between realtime and non-realtime information as required by the claim limitations.

Fliess provides a mechanism for purportedly modeling business objects as graphic objects. *See* Fliess 1:20-23. Fliess also provides that modeling business objects can involve translating aspects of the business objects. Fliess 2:24-30. This is equated by the Office Action with the previously claimed "realtime information" and "non-realtime information" limitations. Office Action, p. 3. But the cited sections of Fliess make no distinction between real-time and non-realtime information. Instead, Fliess appears to describe all its information as business objects or graphic objects. The Office Action

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suggests that because extra steps are needed to transform business objects into graphic objects this equates into significant delay in the creation of non-realtime information. Office Action, p. 3. The Office Action cites to Fliess Figure 6 (element 670) as purported disclosure of generating non-realtime information. Office Action, p. 3. However, this section of Fliess merely provides that element 670 can purportedly support "powerful and intuitive graphical user interfaces" that create an "efficient interface for high level business management activities." Fliess 7:45-51. Applicants submit that if element 670 is "efficient," as disclosed in Fliess, then information produced by it does not meet the definition of non-realtime information which results in significant delay.

Further, since Fliess fails to provide any explicit disclosure of displaying non-realtime information, the Office Action seems to rely upon implicit disclosure. In order for an element to be implicitly disclosed, the element must necessarily be present. As stated above, Fliess makes no distinction between realtime and non-realtime information. Thus, the Office Action's suggestion that "extra steps" are required to transform "business objects" begs the question of "extra steps with regard to what standard?" Further, Fliess' disclosure of an "efficient" reporting and analysis module belies the Office Action's suggestion of "extra steps" causing the significant delay associated with non-realtime information.

Furthermore, the Office Action does not cite to Datta or Schmitt for the proposition that they disclose "realtime information" and "non-realtime information." Applicants further submit that these references also fail to provide the disclosure that the Office Action cites them for.

The Office Action cites to Datta as purported disclosure of Claim 1's "a previously cached version of the non-realtime information" and "caching the generated

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non-realtime information." Applicants respectfully submit that Datta fails to show these claim limitations.

Datta provides a mechanism to purportedly cache web page content elements for faster web page delivery. *See* Datta, ¶ [0013]. Part of this mechanism is a "Preloader" which obtains predictive information from the server to determine which content elements to maintain in the cache and which to discard. Datta, ¶ [0076]. Datta's Preloader is equated to the previously claimed "a previously cached version of the non-realtime information" and "caching the generated non-realtime information" limitations. *See* Office Action, pp. 4-5. But the cited sections of Datta do not describe a previously cached version of the non-realtime information or caching generated non-realtime information. Instead, Datta describes two types of content elements: cacheable and non-cacheable. Datta, ¶ [0080]. Datta makes a distinction as to what is cached by considering what elements are commonly requested or common to all requests. Datta, ¶ [0089]. Elements that are personalized or different for each request are not cached by the Preloader. Datta, ¶ [0089]. When a web page is generated for a user under Datta, the common elements are retrieved from the cacheable elements and the unique elements, which are not cacheable, must be generated accordingly. Datta, ¶ [0089]. Hence, Datta makes a distinction between elements that result in not all requested elements being cacheable. Thus, Datta fails to teach caching all non-realtime information generated for the requested display page as claimed.

The Office Action cites to Schmitt for purported disclosure of an indication that the non-realtime information is not yet ready for display, wherein the indication that the non-realtime information is not yet ready for display is provided in the location in which

the non-realtime information is to be displayed. *See* Office Action, p. 6. Applicants respectfully submit that Schmitt fails to teach this limitation.

Schmitt provides a mechanism for purportedly providing status of portal content. *See* Schmitt, ¶ [007]. The cited sections of Schmitt state that the "status/notification bar" is used to "inform the user of changes to underlying information sources, availability of applications, action items due, configurations of the portal such as date and time, and other portal environmental information." Schmitt, ¶ [0036]. Thus, Schmitt makes no disclosure of providing an indication that non-realtime information is not yet ready to be displayed. Furthermore, Schmitt does not provide that the indication is in the location in which the non-realtime information is to be displayed. Schmitt states that the status/notification bar can be displayed in the upper portion of the portal or in sub-pages, but not in any space that is erased when changing between portal pages and contexts. Schmitt, ¶¶ [0038], [0055]. Because of this information, Schmitt does not contemplate the use of an indication in any location where non-realtime information is to be displayed.

Furthermore, the Office Action states that a person of ordinary skill in the art would modify the realtime and non-realtime information representation interface purportedly taught by Fliess to include status indicators purportedly taught by Schmitt with the motivation to alert a user to the status or change in status that is relevant to the user. *See* Office Action, p. 6. However, Applicants respectfully submit that there is no indication what the purported realtime and non-realtime information in Fliess represents, and thus there is no indication as to why this information would be relevant to a user. As discussed above, Fliess makes no such distinction between realtime and non-realtime

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information. Thus, there is nothing to combine with Schmitt to teach the limitations of Claim 1.

Morever, Applicants submit that the Office Action fails to provide any motivation to combine Fliess, Schmitt, and Data. Such motivation must be supported by evidence within the references themselves. Fliess, for example, makes no distinction between realtime and non-realtime information. Datta also does not teach caching a version of all non-realtime information. In fact, only certain elements are cacheable in Datta. Datta, ¶ [0080]. Schmitt also does not teach displaying a not yet ready indication in the location in which the non-realtime information is to be displayed. Thus, Fliess, Datta, and Schmitt do not contemplate the problem or the solution provided by the present application. Without such an indication within the references themselves to provide motivation to combine the references in the manner suggested by the Office Action is tantamount to using the claims of the Application themselves as a blueprint for the combination, which is expressly forbidden by current case law.
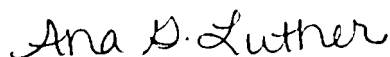
For at least these reasons, Applicants respectfully submit that neither Fliess, Data, nor Schmitt, alone or in combination, disclose all the limitations of Claims 1, 9, and 23 and all claims depending therefrom, and that these Claims are in condition for allowance. Furthermore, new Claims 24 and 25 are independently allowable and find support at least in ¶ [0018] and ¶ [0031] of the Application. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5094.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

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